

E-Filed: 8/29/07

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARIA HERNANDEZ, for Karina Perez-
Hernandez,

Plaintiff,

v.

Jo Anne B. Barnhart, Commissioner of Social
Security,


Defendant.

No. C-04-02216 RMW

ORDER TO SHOW CAUSE

Plaintiff, proceeding *pro se*, filed a complaint against the Commissioner of Social Security on June 4, 2004 appealing the Social Security Commission's denial of plaintiff's application for social security disability benefits. The court granted plaintiff's application to proceed *in forma pauperis* on June 22, 2004. It appears that a summons was issued and returned executed indicating defendant was served July 20, 2004. However, no appearance by defendant has been made in this case. The case has been dormant for over three years. The parties are hereby ordered to show cause by written declaration filed by September 21, 2007 why either: (1) plaintiff's case should not be dismissed for failure to diligently prosecute or (2) a default should not be entered against defendant. If a declaration showing good cause is not timely filed by a party, the party failing to file will risk dismissal or entry of default, as applicable.

DATED: 8/29/07



RONALD M. WHYTE
United States District Judge

1 Notice of this document has been electronically sent to:

2 **Counsel for Plaintiff:**

3 Maria Hernandez
4 1608 Almond Blossom Lane
5 San Jose, CA 95124
6 PRO SE

6 **Counsel for Defendants:**

7 (No appearance)

8 Commissioner of Social Security
9 Department of Health & Human Services
10 Office of the Chief Counsel
11 200 Independence Ave., S.W.
12 Washington, D.C. 20201

11 Kevin V. Ryan
12 U.S. Attorney's Office
13 450 Golden Gate Avenue, 11th Fl.
14 San Francisco, CA 94102

15 Counsel are responsible for distributing copies of this document to co-counsel that have not
16 registered for e-filing under the court's CM/ECF program.

17 **Dated:** 8/29/07

SPT
Chambers of Judge Whyte